

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STEEL, PAPER AND FORESTRY,)	
RUBBER, MANUFACTURING, ENERGY,)	
ALLIED INDUSTRIAL AND SERVICE)	
WORKERS INTERNATIONAL UNION,)	
AFL-CIO-CLC, AND ITS LOCAL 14300-12,)	
)	
Petitioner)	
)	
v.)	No. 18-1222
)	
NATIONAL LABOR RELATIONS BOARD,)	
)	
Respondent)	
)	
and)	
)	
DURA-LINE CORPORATION,)	
A SUBSIDIARY OF MEXICHEM,)	
)	
Intervenor.)	

**UNOPPOSED MOTION OF THE INTERVENOR DURA-LINE
CORPORATION, A SUBSIDIARY OF MEXICHEM, FOR A
SEVEN DAY EXTENSION OF TIME TO FILE ITS BRIEF**

To the Honorable, the Judges of the United States
Court of Appeals for the District of Columbia Circuit:

Dura-Line Corporation, a subsidiary of Mexichem (“Dura-Line”), by its undersigned counsel, respectfully moves that the time for filing the Intervenor’s brief be extended from February 8, 2019, to February 15, 2019. In support of its motion, Dura-Line states as follows:

1. On January 4, 2019, the National Labor Relations Board (the Board”) filed an unopposed motion to extend the time for filing the Board’s brief from January 11, 2019 to February 1, 2019. Prior to the filing of the motion, counsel for the Board emailed counsel for the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, and its Local 14300-12 (the Union) and counsel for Dura-Line to determine if the Union and Dura-Line objected to the motion (see Exhibit A attached hereto). Counsel for Dura-Line responded that he would be out of the country from January 25 to February 9, 2019 and, consequently, would not oppose the Board’s motion for an extension so long as Dura-Line’s brief was not due until February 15, 2019 (Exhibit A). Counsel for Dura-Line anticipated that the Board would indicate the conditions for Dura-Line’s non-opposition in its motion. Counsel for Dura-Line did not see the motion before it was filed.

2. On January 7, 2019, the Court granted the Board’s motion for an extension and revised the briefing schedule to state that the Board’s brief was due on February 1, 2019 and that Dura-Line’s brief was due on February 1, 2019.

3. Based on the foregoing, Dura-Line respectfully requests the Court to extend the time to file Intervenor’s brief from February 8, 2019 to February 15, 2019 to permit counsel for Dura-Line to review the Board’s brief and prepare Intervenor’s brief after his return from his out-of-country trip as he anticipated at

the time that Dura-Line did not oppose the Board's motion for an extension of time to file its brief.

4. Dura-Line has communicated with counsels for the Union and the Board of this request; neither opposes Dura-Line's request for additional time.

Dated: January 24, 2019

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Grant D. Petersen

Grant D. Petersen, Esq.
Ogletree Deakins
100 N. Tampa Street
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Tampa, FL 33602
(813) 289-1247

EXHIBIT A

Petersen, Grant

From: Petersen, Grant
Sent: Thursday, January 03, 2019 4:17 PM
To: 'Sheehy, Barbara'; Sharma, Maneesh; Woodrum, John
Subject: RE: USW v. NLRB (Dura-Line) - Board EOT

I will be out of the country from January 25 to February 9. Consequently, I will not oppose the 21 day extension so long as intervenor's brief is not due until February 15.

Grant D. Petersen | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

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grant.petersen@ogletree.com | www.ogletree.com | [Bio](#)

From: Sheehy, Barbara <Barbara.Sheehy@nrlb.gov>
Sent: Thursday, January 03, 2019 12:16 PM
To: Sharma, Maneesh <msharma@usw.org>; Woodrum, John <john.woodrum@ogletreedekins.com>; Petersen, Grant <Grant.Petersen@ogletreedekins.com>
Subject: USW v. NLRB (Dura-Line) - Board EOT

The Board intends to seek an extension of time to file its responsive brief. It's currently due Jan 11, and we'd like to file on or before Feb 1, so a 21-day extension. Please advise whether I can represent that our motion is unopposed. Thank you.

Happy New Year to everyone!

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27(d)(2), Dura-Line Corporation certifies that its motion contains 340 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2016.

Dated: January 24, 2019

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Grant D. Petersen

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Respondent

and

DURA-LINE CORPORATION,
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Intervenor.

No. 18-1222

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2019, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

Dated: January 24, 2019

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Grant D. Petersen

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